

Police Reports Draft For Discussion

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March 6, 2008

Section 5

Public Records

5.1 Public Information That Must Be Disclosed

5.1.1 Law Enforcement Information

5.1.1.010 Reports Prepared By Law Enforcement

All reports prepared by Law Enforcement, including "Police Report," "Domestic Violence Supplemental," "Property Report," "Force Response Report," "Traffic Collision Report" and "Juvenile Contact Report" (collectively referred to as "Police Reports") are public records subject to disclosure, unless a general or specific exemption listed herein applies.

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5.1.1.020 General Exemptions

A. Information may be redacted from any Police Reports if necessary to:

1. protect the safety of any person;
2. ensure the successful completion of the investigation or a related investigation;
3. prevent the disclosure of legitimate law enforcement techniques that require confidentiality in order to be effective; or,
4. protect against an unwarranted invasion of personal privacy.

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B. Information in a Police Report may not be redacted under the privacy exemption of 5.1.1.020(A)(4) if that information was given to the police by the person who is making the request.

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C. Redactions pursuant to this Section must be

1. limited to that information necessary to further the purpose of the exemption;
2. to the extent practical, use numerical or alphabetic designations as substitutes for names omitted; and

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the information pertains to a police officer or other law enforcement official

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3. Justified in writing by reference to the pertinent exemption(s).

5.1.1.030 Specific Exemptions

A. Unless otherwise authorized by state or federal law, the following Police Reports are exempt in their entirety from disclosure:

1. A "Juvenile Contact Report" and any police report that contains information about a juvenile where the juvenile has not been charged with a crime or whose case is or has been handled in juvenile court.

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2. A "Domestic Violence Supplemental" unless and until such report is filed with the Superior Court, in which case it should be obtained through the Court.

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3. Police Reports where a person is charged with Section 220, 261, 261.5, 262, 264, 264.1, 273.5, 286, 288, 288.5, 288a or 289 of the Penal Code or an attempt to violate any of these codes sections, unless disclosure would further the investigation or protect public safety.

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4. Required Accident Reports and supplements as defined by Vehicle Code Section 20012.

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B. Unless a report prepared by Law Enforcement is requested by a person entitled to the information under state or federal law, the following information must be redacted from any Police Report:

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1. The name of any victim of any crime defined by Sections 422.6, 422.7 (hate crimes), 422.75, or 646.9 (stalking) of the Penal Code, as well as by Penal Code sections listed in 5.1.1.030(A)(3).
2. The name of any witness, juvenile or adult, unless the witness consents.
3. For any person other than an arrestee, residence address, residence telephone number or electronic email address, driver's license number, California Identification Card number, social security number, date of birth, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings or checking account number, or credit card number.
4. For an arrestee, residence address, residence telephone number or electronic email address, driver's license number, California Identification Card number, social security number, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings or checking account number, or credit card number.

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Deleted: Forty-five (45) days from the date of the report, the name of the arrestee or suspect shall be redacted.

5. The name of a juvenile arrestee or suspect, unless and until the juvenile is charged and prosecuted as an adult, provided that the first name and initial letter of the last name must be substituted in the Police Report.

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6. Any other information that is prohibited from disclosure by state or federal law.

C. After 45 days of the date the incident which is the subject of the report is reported to Law Enforcement, police reports must not be disclosed in response to a request based on a specific person, specific address or other information that can be used to identify a specific person or specific address.

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